

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBERT SCOTT SCUBA,	:	
	:	NO. 1:05-CV-00718
Plaintiff,	:	
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
	:	
REGINALD WILKINSON, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Report and Recommendation in which the assigned Magistrate Judge recommended that Plaintiff's Motion to Dismiss be granted, and this case be closed (doc. 114). For the reasons indicated herein, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

Plaintiff filed this action on November 4, 2005, against Defendants, present and former employees or contractors of the State of Ohio including the Ohio Department of Rehabilitation and Correction ("ODRC"), alleging civil rights violations pursuant to 42 U.S.C. §§ 1983, 1985 (doc. 3). Thereafter, on March 26, 2008, after litigating this matter for more than two years, Plaintiff filed a motion asking the Court to dismiss the case with prejudice (doc. 112). In their response, Defendants stated they do not object to Plaintiff's motion (doc. 113). The Magistrate Judge, noting that both parties agreed with dismissal, recommended the Court grant Plaintiff's motion (doc. 114). The Court, having fully considered this matter, finds the Magistrate Judge's Report and

Recommendation correct.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 114), GRANTS Plaintiff's Motion to Dismiss (doc. 112), and DISMISSES this case WITH PREJUDICE.

SO ORDERED.

Dated: April 16, 2008

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge